

Notice of Allowability

Application No.

10/021,837

Applicant(s)

MORIMURA ET AL.

Examiner

Art Unit

John B. Strege

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 2/4/05.
2. ☒ The allowed claim(s) is/are 1,2,12,22,23,33 and 44-51.
3. ☒ The drawings filed on 12/12/01 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/20/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Response to Amendment/Arguments

1. Applicant's amendment filed 2/4/05 has been entered.
Claims 3-11, 13-21, 24-32, and 34-43 have been cancelled.
Claims 44-51 are newly added.
2. Applicant's arguments, see page 13 line 26 – page 14 line 18, and page 15 line 25 – page 16 line 24, filed 2/4/05, have been fully considered and are persuasive. All the prior art rejections have been withdrawn.

Allowable Subject Matter

3. Claims 1-2, 12, 22-23, ~~33~~, and 44-51 are allowed.

The following is an examiner's statement of reasons for allowance:

The Applicant's arguments (see page 13 line 26 – page 14 line 18) have been fully considered and are persuasive. Thus the prior art rejections of claims 1-2, 12, 22-23, 33 have been withdrawn and are allowed. The new claims 44-51 are based on previously examined claims and the Applicant's arguments regarding the prior art rejections (see page 15 line 25 – page 16 line 24) are persuasive. Therefore claims 44-51 are allowable. Examiner further draws attention to a newly cited relevant prior art Setlak et al. USPN 6,259,804. Setlak discloses a fingerprint sensor with gain control features and associated methods and a histogram generating means (col. 10 line 64 – col. 11 line 46). Setlak however does not explicitly disclose an evaluation index wherein the evaluation index calculated by said capture control section is a histogram index generated from a histogram representing a density of the image, and said capture

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control section calculates as the histogram index a ratio between a maximum value on a side of the histogram where a density of the image is high and a minimum value immediately near the maximum value on a side where the density of the image is lower than the density representing the maximum value. Thus for the reasons given the claims are allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Strege whose telephone number is (571) 272-7457. The examiner can normally be reached on Monday-Friday between the hours of 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS


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